

DAVID L. ANDERSON (CABN 149604)
United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

JOSEPH TARTAKOVSKY (CABN 282223)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7320
Fax: (415) 436-7234
joseph.tartakovsky@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	NO. 4-20-70327 MAG
)	
Plaintiff,)	STIPULATION AND ORDER TO CONTINUE
)	STATUS CONFERENCE, EXCLUDE TIME, AND
v.)	EXTEND THE DEADLINES UNDER THE
)	SPEEDY TRIAL ACT AND FED R. CRIM. P. 5.1
GABRIEL GONZALES,)	
)	
Defendant.)	

It is hereby stipulated by and between counsel for the United States and counsel for the defendant, Gabriel Gonzales, that the status hearing scheduled for November 5, 2020 at 10:30 a.m. be rescheduled for December 17, 2020 at 10:30 a.m. The reasons for this request are as follows: The defense (with Mr. Gonzales's current counsel retained as of September 29, 2020, *see* Doc. 32) needs additional time to review discovery with the defendant and investigate the case. The parties are also exploring a resolution of the case. Finally, the coronavirus pandemic has impeded on defense counsel's ability to meet with the defendant.

Based on the foregoing, the parties stipulate and agree that excluding time from November 5, 2020 until December 17, 2020 will allow for the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). (Time is already excluded until November 5, 2020, *see* Doc. 32.) The parties

1 further stipulate and agree that the ends of justice served by excluding the time from November 5, 2020
2 until December 17, 2020 from computation under the Speedy Trial Act outweigh the best interests of the
3 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

4 The parties further stipulate that, with the consent of the defendant, there is good cause for
5 extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for
6 extending the 30-day time period for an indictment under the Speedy Trial Act. *See* Fed. R. Crim. P.
7 5.1; 18 U.S.C. § 3161(b).

8 The undersigned Assistant United States Attorney certifies that he has obtained approval from
9 counsel for the defendant to file this stipulation and proposed order.

10 IT IS SO STIPULATED.

11 DATED: October 26, 2020

/s/ Joseph Tartakovsky
JOSEPH TARTAKOVSKY
Assistant United States Attorney

13 DATED: October 26, 2020

/s/ Julia Jayne
JULIA JAYNE
Counsel for Defendant Gabriel Gonzales

ORDER

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court reschedules the status hearing scheduled for November 5, 2020 at 10:30 a.m. and schedules a status hearing for December 17, 2020 at 10:30 a.m. The Court further finds that failing to exclude the time from November 5, 2020 until December 17, 2020 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from November 5, 2020 until December 17, 2020 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. For the same reasons, the Court finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act. *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from November 5, 2020 until December 17, 2020 shall be excluded from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1. 18 U.S.C. § 3161(h)(7)(A), (B)(iv); Fed R. Crim. P. 5.1(d).

IT IS SO ORDERED.

DATED: October 27, 2020



DONNA M. RYU
United States Magistrate Judge